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CITY OF PASADENA

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

DAISY ALVAREZ, individually and as  
successor in interest to Ricardo  
Andrade, deceased,

Plaintiff,

v.

CITY OF PASADENA; JOHN LEWY;  
KALVIN BLAKE; TAYLOR  
VINCENT; and DOES 1-7,

Defendant.

Case No. 2:25-cv-02490-MWF-PVC

**DEFENDANT CITY OF  
PASADENA'S ANSWER TO FIRST  
AMENDED COMPLAINT FOR  
DAMAGES; DEMAND FOR JURY  
TRIAL**

Judge: Michael W. Fitzgerald

Comes now Defendant CITY OF PASADENA and hereby Answers the First  
Amended Complaint for Damages (hereinafter "Complaint") of Plaintiff DAISY  
ALVAREZ ("Plaintiff") in the above-entitled action, for itself and for no other  
parties, admit, deny, and allege as follows:

1           1.     In answering paragraphs 1 and 2 of the First Amended Complaint, this  
2 answering Defendant admits that jurisdiction and venue are proper. This answering  
3 Defendant denies all remaining allegations.

4           2.     In answering paragraphs 3, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 23,  
5 24, 25, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 49, 50,  
6 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 68, 69, 70, 71, 72, 74, 75,  
7 76, 77, 78, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89 and the prayer for relief of the First  
8 Amended Complaint, this answering Defendant denies any and all allegations of the  
9 respective paragraphs. To the extent any statement of law is made therein, this  
10 answering Defendant asserts the law speaks for itself.

11          3.     In answering paragraphs 4 and 5 of the First Amended Complaint,  
12 Defendant lacks sufficient information to respond to the allegations of the  
13 paragraphs and therefore denies any and all allegations. To the extent any statement  
14 of law is made therein, Defendant asserts the law speaks for itself.

15          4.     In answering paragraph 6 of the First Amended Complaint, Defendant  
16 admits that the City of Pasadena is a municipal entity organized and existing under  
17 the laws of the State of California. This answering Defendant denies all remaining  
18 allegations.

19          5.     In answering paragraph 7 of the First Amended Complaint, Defendant  
20 admits that at all relevant times Defendant John Lewy was a police officer working  
21 for the Pasadena Police Department. This answering Defendant denies all  
22 remaining allegations.

23          6.     In answering paragraph 8 of the First Amended Complaint, Defendant  
24 admits that at all relevant times Defendant Calvin Blake was a police officer  
25 working for the Pasadena Police Department. This answering Defendant denies all  
26 remaining allegations.

27          7.     In answering paragraph 9 of the First Amended Complaint, Defendant  
28 admits that at all relevant times Defendant Taylor Vincent was a police officer

1 working for the Pasadena Police Department. This answering Defendant denies all  
2 remaining allegations.

3 8. In answering paragraphs 20, 26, 34, 41, 48, 57, 67, 73, and 80 of the  
4 Complaint, this answering Defendant hereby incorporates its admissions and denials  
5 to the Complaint.

6 9. In answering paragraph 21 and 27 of the First Amended Complaint,  
7 Defendant admits that on April 13, 2024, Pasadena Police Officers contacted  
8 decedent when he was in his vehicle, a white pickup truck. Defendant admits that  
9 decedent fled in his vehicle and that the pursuit ended when decedent collided with  
10 an unoccupied vehicle parked in front of a residence. Defendant admits that  
11 decedent then ran on foot. This answering Defendant denies all remaining  
12 allegations contained therein.

13 10. In answering paragraph 22 of the First Amended Complaint, Defendant  
14 admits that Decedent died as a result of this incident. This answering Defendant  
15 denies all remaining allegations.

16 **AFFIRMATIVE DEFENSES**

17 AS SEPARATE AND AFFIRMATIVE DEFENSES, Defendant alleges as  
18 follows:

19 **FIRST AFFIRMATIVE DEFENSE**

20 11. The First Amended Complaint fails to state a claim upon which relief  
21 can be granted. The First Amended Complaint also fails to state a claim for relief  
22 against Defendant.

23 **SECOND AFFIRMATIVE DEFENSE**

24 12. Defendant denies that Plaintiff or Decedent have been deprived of any  
25 rights, privileges, or immunities guaranteed by the laws of the United States or by  
26 the laws of the State of California.

1 **THIRD AFFIRMATIVE DEFENSE**

2 13. At all relevant times, the Defendant acted within the scope of  
3 discretion, with due care, and good faith fulfillment of responsibilities pursuant to  
4 applicable statutes, rules and regulations, within the bounds of reason under the  
5 circumstances, and with the good faith belief that its actions comported with all  
6 applicable laws. Any individual Defendants therefore assert qualified immunity  
7 from liability.

8 **FOURTH AFFIRMATIVE DEFENSE**

9 14. Defendant denies that it violated Decedent's Fourth Amendment rights,  
10 or any other federal, constitutional, or other rights.

11 **FIFTH AFFIRMATIVE DEFENSE**

12 15. To the extent that any force was used against Decedent, the force used  
13 was privileged and reasonable as a matter of law.

14 **SIXTH AFFIRMATIVE DEFENSE**

15 16. Decedent's own conduct estops Plaintiff from claiming the damages  
16 alleged in the First Amended Complaint.

17 **SEVENTH AFFIRMATIVE DEFENSE**

18 17. To the extent that Plaintiff has alleged a supplemental state law cause  
19 of action, she has failed to submit timely Government Claims, as required by the  
20 California Tort Claims Act of 1963, which is codified as California Government  
21 Code § 810-998.3, which bars this Court from hearing those claims.

22 **EIGHTH AFFIRMATIVE DEFENSE**

23 18. Defendant is immune from liability for its actions by the application of  
24 one or more of the immunities set forth in the California Government Code,  
25 including the immunities set forth in §§ 815.2, 818.2, 818.8, 820, 820.2, 820.4,  
26 820.6, 820.8, 821.6, 821.8, 822.2, 844, 845.6, and 845.8.

27 **NINTH AFFIRMATIVE DEFENSE**

28 19. Plaintiff's cause of action for a Fourth Amendment violation is barred

1 because any force used by Defendant and their employees was privileged as  
2 reasonable to defend oneself or others.

3 **TENTH AFFIRMATIVE DEFENSE**

4 20. To the extent that Plaintiff suffered any damages, which the Answering  
5 Defendant denies, the damages were suffered in whole, or in part, by the negligence  
6 of Plaintiff or Decedent, and the damages of Plaintiff should be reduced by a  
7 proportional amount.

8 **ELEVENTH AFFIRMATIVE DEFENSE**

9 21. The damages alleged were directly and proximately caused and  
10 contributed to by the negligence of other persons, and the extent of damages  
11 sustained, if any, should be reduced in proportion to the amount of said negligence.

12 **TWELFTH AFFIRMATIVE DEFENSE**

13 22. Plaintiff's damages, if any, should be reduced because of Plaintiff's or  
14 Decedent's failure to mitigate damages, if any.

15 **THIRTEENTH AFFIRMATIVE DEFENSE**

16 23. Punitive Damages cannot be imposed against a public entity.

17 **FOURTEENTH AFFIRMATIVE DEFENSE**

18 24. Plaintiff's claims are barred by the failure to comply with the  
19 applicable statute of limitations.

20 **FIFTEENTH AFFIRMATIVE DEFENSE**

21 25. Plaintiff has failed to join necessary and/or indispensable parties.

22 **SIXTEENTH AFFIRMATIVE DEFENSE**

23 26. At all relevant times, each Defendant acted independently and not in  
24 association or concert with or as agent or servant of any other Defendant, including  
25 any sued herein under fictitious names, or of the employees or agents of other  
26 Defendants.

27 **SEVENTEENTH AFFIRMATIVE DEFENSE**

28 27. At the time and place of the alleged incident and for some time before

1 then, the risks and dangers of the incident (assuming said risks and dangers existed)  
2 were fully known to and appreciated by Plaintiff and Decedent, and Plaintiff and  
3 Decedent thereby voluntarily assumed any and all risks and dangers, including the  
4 risk and danger of the alleged incident complained of in Plaintiff's Complaint.

5 **EIGHTEENTH AFFIRMATIVE DEFENSE**

6 28. Plaintiff's claims are barred by the doctrine of unclean hands.

7 **NINETEENTH AFFIRMATIVE DEFENSE**

8 29. Plaintiff's claims are barred by the doctrine of laches.

9 **TWENTIETH AFFIRMATIVE DEFENSE**

10 30. Any injury or damages suffered by Plaintiff or Decedent were caused  
11 solely by reason of Decedent's wrongful acts and conduct, and not by reason of any  
12 unlawful acts or omissions of the Defendant.

13 **TWENTY-FIRST AFFIRMATIVE DEFENSE**

14 31. Any recovery on the Plaintiff's First Amended Complaint, or any  
15 purported claim or cause of action alleged therein, is barred in whole or in part by  
16 the Plaintiff and Decedent's own conduct which violated numerous provisions of the  
17 California Penal Code and, as such, was negligent per se.

18 **TWENTY-SECOND AFFIRMATIVE DEFENSE**

19 32. Because the First Amended Complaint is couched in conclusory terms,  
20 Defendant cannot fully anticipate all affirmative defenses that may be applicable to  
21 this action. Accordingly, the right to assert additional affirmative defenses, if and to  
22 the extent that such affirmative defenses are applicable, is hereby reserved.

1 Dated: August 19, 2025

BURKE, WILLIAMS & SORESENSEN, LLP

2  
3  
4 By: /s/ Caylin W. Jones

Nathan A. Oyster

Caylin W. Jones

Attorneys for Defendant

CITY OF PASADENA

**DEMAND FOR JURY TRIAL**

Defendant CITY OF PASADENA demands a trial before a jury on all issues presented by Plaintiff's First Amended Complaint triable to a jury.

WHEREFORE, Defendant CITY OF PASADENA prays that:

1. Judgment be rendered in favor of Defendant CITY OF PASADENA and against Plaintiff DAISY ALVAREZ;

2. Plaintiff DAISY ALVAREZ take nothing by this action;

3. Defendant CITY OF PASADENA be awarded costs of suit incurred herein; and

4. Defendant CITY OF PASADENA be awarded such other and further relief as the Court may deem necessary and proper.

Dated: August 19, 2025

BURKE, WILLIAMS & SORESENSEN, LLP

By: /s/ Caylin W. Jones

Nathan A. Oyster

Caylin W. Jones

Attorneys for Defendant

CITY OF PASADENA